



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,067	08/20/2001	Steve Brandstetter	P94-1	6703
7590		01/05/2009	EXAMINER	
Philip M. Weiss, Esq. Weiss & Weiss Suite 251 300 Old Country Road Mineola, NY 11501			COBURN, CORBETT B	
		ART UNIT	PAPER NUMBER	
		3714		
		MAIL DATE	DELIVERY MODE	
		01/05/2009	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/933,067	Applicant(s) BRANDSTETTER ET AL.
	Examiner Corbett B. Cobum	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

Status

1) Responsive to communication(s) filed on 01 December 2008.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-9, 11-13, 16 and 18-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-9, 11-13, 16 and 18-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 01 December 2008 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/GS/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Drawings

1. Applicant appears to have attempted to submit amendments to the drawings showing a bin & a computer system with a website. Examiner objects to these drawings because they do not meet the standards required for patent drawings. They are of very poor quality. Furthermore, Fig 5 appears to be a screen print showing a computer – not only is it illegible; it does not describe the claimed invention. (A line drawing of the website would be more to the point.)
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figs 4 & 5 are not tied into the specification. For instance, there is a discussion in the specification about putting tickets in a bin. This part of the specification should be amended to refer to bin (50). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 3714

3. Applicant has been told repeatedly to submit acceptable drawings. Examiner has told Applicant exactly what Applicant must do. Applicant has failed once again to submit corrected drawings. If the Examiner followed the letter of the MPEP, this application would be abandoned. If Applicant does not file corrected drawings in response to this Office Action, Examiner will have no choice but to file a notice of abandonment.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 9, 12, & 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuniewicz (US Patent Number 6,585,589) in view of Quinn (US Patent Number 3,688,276).

Claim 1: Okuniewicz teaches device for paying out a bonus (Col 1, 43-46) to a player playing a gaming machine. (Fig 1) There is a gaming machine (Slot Machine). The gaming machine obviously contains a processor for implementing a game of chance (including video poker) and paying off according to matching symbols. (Col 1, 20) There is a dispensing unit (Lottery Terminal). Since Okuniewicz teaches that the dispensing unit may dispense a ticket when a preset amount of coins are inserted (Col 3, 46-53), there must be a numeric counter for counting the number of coins placed in said gaming machine that counts coins until a ticket is generated. Okuniewicz does not teach visually displaying to the player the number of coins needed to generate a ticket or the number of

coins inserted by the player. Nor does Okuniewicz teach resetting the counted coins to zero once a ticket is generated. These are common functions on virtually any modern vending machine.

Quinn, which is also a lottery ticket dispenser, teaches visually displaying to the player the number of coins needed to generate a ticket and the number of coins inserted by the player as well as resetting the counted coins to zero once a ticket is generated. (Fig 1) Such a visible meter allows the player to know how much money he must insert and how much money he has inserted. Clearing the counter lets the player know that if he wants another ticket, he has to put in more money. These features add to user convenience and are, as previously pointed out, extremely well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Okuniewicz in view of Quinn to visually display to the player the number of coins needed to generate a ticket and the number of coins inserted by the player as well as to reset the counted coins to zero once a ticket is generated in order to add to player convenience.

Furthermore, a combination of prior art elements, each performing their normal functions in a predictable manner to yield a predictable result is obvious. In this case, Okuniewicz teaches a slot machine that dispenses a lottery ticket when a preset number of coins have been inserted into the machine. Quinn, which also dispenses a lottery ticket when a preset number of coins have been inserted into the machine, has a meter that displays the number of coins inserted and the number of coins remaining prior to dispensing a ticket. In the combination, Okuniewicz's slot machine/ticket dispenser

works in its accustomed manner. Quinn's lottery ticket dispenser/coin meter work in it's accustomed manner. The combination of Okuniewicz and Quinn yield predictable results. The combination is therefore obvious.

Claims 2-4: Okuniewicz teaches that the dispensing unit may be a retrofit unit for a slot machine (Col 3, 1-4). Okuniewicz teaches that the dispensing unit could be attached to the gaming machine externally (i.e., side-mounted) or mounted internally. (Col 4, 63-66)

Claim 5: The gaming machine may include video poker machines (Col 3, 36-42). Video bingo games and video keno games are disclosed as equivalents.

Claim 6: The dispensing unit is a self-contained unit that does not affect play or outcome of said gaming machine. (Col 4, 35-43)

Claim 9: Okuniewicz dispenses lottery tickets. (Abstract)

Claim 12: Claim 12 is a combination of claims 1, 5, & 9 with the addition of holding a drawing to determine a winner of said ticket – which is taught by Okuniewicz.

Claim 16: Okuniewicz teaches the lottery ticket may be for the Big Game. In the Big Game, a bonus prize is generated from a percentage of total coins placed into all participating gaming machines (i.e., a percentage of money used to buy game tickets).

Claim 17: Claim 17 is a subset of claim 1.

Claim 19: It is extremely well known to place the entrant's name & address on a ticket & place the ticket in a bin for drawing. This practice has been followed in raffles and lotteries across the country (and probably around the world) for decades if not centuries. Applicant cannot even begin to imagine that he has invented this method of conducting a lottery. It would have been obvious to one of ordinary skill in the art at the time of the

invention to have modified Okuniewicz & Quinn to include placing the entrant's name & address on a ticket & place the ticket in a bin for drawing in order to adopt an extremely old and well known method of conducting a lottery.

6. Claims 7, 8, 11, 13 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuniewicz and Quinn as applied to claim 1, 12 above, and further in view of Castellano et al. (US Patent Number 5,477952).

Claims 7, 13: Okuniewicz and Quinn teach the invention substantially as claimed. Both contain coin counters, but do not give details of the operation thereof. Okuniewicz bonuses a player based on number of coins played (Col 3, 51) but does not teach that the numeric counter counts coin pulses off of the gaming machine's hard meter. Castellano teaches the method of operation of the coin counters. Castellano teaches that the numeric counter (12) counts coin pulses off of the gaming machine's hard meter (52). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Okuniewicz and Quinn in view of Castellano to have the numeric counter count coin pulses off of the gaming machine's hard meter in order to carry out Okuniewicz and Quinn's suggestion to count the coins entered by the player.

Claim 8: Okuniewicz and Quinn teach the invention substantially as claimed. Neither specifically discloses that the numeric counter can count various coin denominations. Castellano specifically teaches discloses that the numeric counter can count various coin denominations. (Fig 1, 21-24) Allowing players to use more than one denomination makes it convenient for the player to put more money in the slot machine. This increases profits. It would have been obvious to one of ordinary skill in the art at the time of the

invention to have modified Okuniewicz and Quinn in view of Castellano to have the numeric counter can count various coin denominations in order to make it convenient for the player to put more money in the slot machine.

Claims 11, 18: Okuniewicz teaches that the benefit of the device is the ability to change the criteria for generating a ticket. (Col 3, 1-9) The LIB is a remote unit (i.e., a separate module) for changing the number of coins necessary to generate said ticket.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okuniewicz & Quinn as applied to claim 20 and further in view of <http://www.powerball.com>.

Claim 20: Okuniewicz & Quinn teach the invention substantially as claimed, but fail to teach announcing the lottery results on a website. This is extremely well known in the art. The Powerball lottery results have been announced on a website since at least 28 January 1998. (See

<http://web.archive.org/wbe/19980128120719/www.musl.com/scripts/html.pl?powerball.p>
tm) Announcing the results of a lottery on a website provides a cost effective means of disseminating the results. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Okuniewicz & Quinn in view of <http://www.powerball.com> to announce the lottery results on a website in order to have a cost effective way to disseminate the results.

Response to Arguments

8. Applicant's arguments filed 1 December 2008 have been fully considered but they are not persuasive.

9. Applicant argues that it is unknown for a gaming machine to display the number of coins needed before the machine issues a lottery ticket. As Examiner has held since the first action presented on this case, Quinn is a gaming machine -- it is a machine that issues a lottery ticket & is therefore a machine used in gaming. Furthermore, the claimed invention acts as a vending machine. The machine vends a ticket upon the deposit of a certain number of coins. Thirdly, the combination of a slot machine that issues lottery tickets when a certain number of coins are deposited (as taught by Okuniewicz) and a coin display on a machine that issues a lottery ticket when a certain number of tickets is deposited (as taught by Quinn) is a combination of known elements, combined by known methods and performing their usual function to yield predictable results. Thus the combination is obvious.

10. Applicant makes the argument that Okuniewicz teaches randomly dispensing tickets. As has been pointed out in previous Office Actions, Okuniewicz explicitly teaches dispensing a lottery ticket when a certain number of coins are deposited. This is not random. Okuniewicz teaches the value of a random determination of the lottery results – not the random issuing of a ticket. Thus Applicant’s arguments based on the supposed randomness of Okuniewicz’s issuing of lottery tickets are based on a misunderstanding of Okuniewicz.

11. Applicant argues that Quinn shows a dollar amount & Applicant’s invention displays number of coins. These are equivalent & obvious variations.

12. Applicant argues that the invention does not actually count coins, but instead counts pulses. This is neither claimed nor disclosed. Applicant’s argument leads Examiner to suspect that the best mode of Applicant’s invention has not been disclosed. At any rate, the arguments are not commensurate in scope with the claims.

Art Unit: 3714

13. Regarding Claim 19, Examiner did not suggest that claim 19 would patentably distinguish over the prior art. Examiner stated that the amendment would highlight a difference between Applicant's invention & the Powerball reference. As Examiner remembers, he did point out that the claimed features were the common practice in raffles.

14. Applicant argues that he does not argue that Okuniewicz teaches dispensing a ticket when a preset amount of coins is inserted. Examiner thinks there must be a typographical error in the first sentence of page 5 of Applicant's Remarks. This sentence does not match the rest of the argument (though it DOES match the arguments on page 3). Examiner has answered the argument that the player is not supposed to know how many coins yields a lottery ticket in previous Office Actions. As noted before, any player of even moderate intelligence (i.e., the intelligence to count to ten) would realize that every time he inserts a certain number of coins (e.g., five), he receives a lottery ticket. Thus the issuance of the lottery ticket would not appear random. Furthermore, Okuniewicz does not suggest that the randomness is supplied by the issuance of a lottery ticket. Rather, the randomness is supplied by the lottery drawing.

Conclusion

15. This is an RCE of applicant's earlier Application No. 09/933067. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

Art Unit: 3714

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett B. Coburn/
Primary Examiner
Art Unit 3714